IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 26335 of 2006(I)

PETITIONER:
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1. T.PRAJITH, 35 YEARS,
S/O.BHASKARAN, THAYATTU VEEDU, P.O.ERVANNOOR,
KOZHIKODE.

2. M.CHANDRAN, AGED 40 YEARS,
S/O.DAMODARAN NAIR, MURIYIL HOUSE,
KIZHAKKOTHU P.O. VIA KODUVALLY, KOZHIKODE.

3. A.K.MADHU, AGED 39 YEARS,
S/O.KRISHNAN KUTTY NAIR, KIZHAKKE AARYAN KALAYIL
VEEDU, KIZHAKKOTHU P.O. KOZHIKODE.

4. C.P.SAMY, AGED 60 YEARS, S/O.RAMUTTY,
CHEENATHAMPOYIL HOUSE, VALIYAPARAMBA POST,
VIA KODUVALLY, KOZHIKODE.

BY ADV. SRI.JACOB ABRAHAM
SMT.KOCHUMOL KODUVATH

RESPONDENTS:
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1. PUNJAB NATIONAL BANK,KUNNAMANGALAM,
KOZHIKODE.

2. SPECIAL DEPUTY COLLECTOR,
BANK LOAN ARREARS COLLECTION,
REVENUE RECOVERY, KOZHIKODE 673 004.

3. STATE OF KERALA, REPRESENTED BY THE
DISTIRCT COLLECTOR, CIVIL STATION P.O.
KOZHIKODE.

BY ADV. SRI.K.P.SUDHEER
GOVT.PLEADER SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 26335 OF 2006 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True photostat copy of the copy of the account maintained by the 1st respondent

Ext.P2: True photostat copy of the notice dated 31-5-2005 bearing number DR.35/06-07/PNB/c6 38450/05 issued by the second respondent to the petitioners in form number 1

Ext.P3: True photostat copy of the notice dated 31-5-2005, bearing number DR 35/06-07/PNB/c6 38450/05 issued by the second respondent to the petitioner in form number 10

Ext.P4: True photostat copy of the reply dated 23-6-2006 issued by the petitioner's counsel to the second respondent

RESPONDENT'S EXHIBITS

Ext.R1(a): True copy of letter dated 5-4-1999 issued by the Mookambika Bus Services

Ext.R1(b) : True copy of letter dated 3-4-2002 issued by the Mookambika Bus Services

Ext.R1(c):- True copy of letter dated 19-2-2005 issued by Mookambika Bus Services

//True copy//

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 26335 OF 2006-I

JUDGMENT

The petitioners challenge the revenue recovery proceedings initiated by the 2nd respondent at the instance of the 1st respondent Bank, to recover certain amounts due from them to the Bank. The main ground of attack is that the loan is already barred by limitation and therefore, the recovery is not permissible.

2. The 1st respondent Bank has filed a counter affidavit and produced Exts.R1(a) to R1(c) documents, which are photo copies of the balance confirmation letters issued by the Managing Partner of the firm in which the petitioners were members. So, the 1st respondent submits, the loan is not barred by limitation. The learned counsel for the petitioners seriously disputes the said submission and says the genuineness of Exts.R1(a) and R1 (b) is doubtful. If that be so, the petitioners may move the competent civil court so that the issue can be tried and decided by it. Accordingly, the Writ Petition is closed without prejudice to the contentions of the petitioners.

26th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/